

House File 639 - Introduced

HOUSE FILE 639

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 252)

(SUCCESSOR TO HSB 28)

A BILL FOR

1 An Act relating to the calculation of certain court costs in
2 probate matters, and including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 633.31, Code 2017, is amended to read as
2 follows:

3 **633.31 Calendar — fees court costs in probate.**

4 1. The clerk shall keep a court calendar, and enter thereon
5 such matters as the court may prescribe.

6 2. The clerk shall charge and collect the following fees
7 court costs in connection with probate matters, which shall be
8 deposited in the account established under [section 602.8108](#):

9 0a. For services performed in probate administration of
10 the estate of a decedent under the provisions of this chapter,
11 where the value of the personal property and real estate of
12 such a person falls within the following indicated amounts, the
13 court costs opposite such amount shall be charged:

14 (1) Up to \$5,000,000.00.....\$ 185.00

15 (2) Greater than \$5,000,000.00.....\$ 250.00

16 a. For services performed in short form probates pursuant
17 to [sections 450.22](#) and [450.44](#).....\$ 15.00

18 b. For services performed in probate of
19 will without administration\$ 15.00

20 c. For filing and indexing a transcript.....\$ 50.00

21 d. For taking and approving a bond, or
22 the sureties on a bond\$ 20.00

23 ~~e. For entering a rule or order\$ 10.00~~

24 f. For certificate and seal\$ 10.00

25 g. For making a complete record where
26 real estate is sold per 100 words\$.20

27 h. For making a transcript or copies of
28 orders or records filed in
29 the clerk's office per 100 words\$.50

30 i. For certifying change of title\$ 20.00

31 j. For issuing commission to
32 appraisers\$ 2.00

33 k. For other services performed in the settlement of the
34 estate of any decedent, minor, person with mental illness, or
35 other persons laboring under legal disability, except where

1 actions are brought by the administrator, guardian, trustee,
 2 or person acting in a representative capacity or against that
 3 person, or as may be otherwise provided herein, where the value
 4 of the personal property and real estate of such a person falls
 5 within the following indicated amounts, the fee court costs
 6 opposite such amount shall be charged, in accordance with
 7 subsection 3.

8	(1)	Up to \$3,000.00	\$ 5.00
9	(2)	\$3,000.00 to \$5,000.00	\$ 10.00
10	(3)	\$5,000.00 to \$7,000.00	\$ 15.00
11	(4)	\$7,000.00 to \$10,000.00	\$ 20.00
12	(5)	\$10,000.00 to \$15,000.00	\$ 25.00
13	(6)	\$15,000.00 to \$25,000.00	\$ 30.00
14	(7)	For each additional \$25,000.00 or	
15		major fraction thereof	\$ 50.00
16	1.	For services performed in small	
17		estate administration	\$ 15.00
18			<u>185.00</u>

19 3. a. For purposes of determining the court costs set
 20 forth in subsection 2, paragraphs "0a" and "k", the "value of
 21 the personal property and real estate of such a person" means
 22 the gross assets of the estate listed in the probate inventory
 23 minus the following, unless the proceeds of such assets are
 24 payable to the estate:

- 25 (1) Joint tenancy property.
- 26 (2) Transfers during such person's lifetime.
- 27 (3) Assets payable to beneficiaries, including but not
 28 limited to life insurance, annuities, individual retirement
 29 accounts, retirement plans, transfer on death accounts, and
 30 payable on death accounts.

31 b. The fee court costs set forth in subsection 2, paragraph
 32 "k", shall not be charged on any property transferred to a
 33 testamentary trust from an estate that has been administered
 34 in this state and for which court costs have been assessed and
 35 paid.

1 c. The court costs set forth in subsection 2, paragraph "k",
2 shall not be charged on any property transferred to an estate
3 from a conservatorship that has been administered in this state
4 and for which court costs have been assessed and paid.

5 Sec. 2. APPLICABILITY. This Act applies to estates of
6 decedents dying on or after January 1, 2018.

EXPLANATION

8 The inclusion of this explanation does not constitute agreement with
9 the explanation's substance by the members of the general assembly.

10 This bill relates to the court costs the clerk of probate
11 court charges and collects in connection with probate matters.

12 The bill provides that for services performed in probate
13 administration of an estate under the provisions of Code
14 chapter 633, the court costs are \$185 if the value of the
15 estate is \$5 million or less, and \$250 if the value of the
16 estate exceeds \$5 million. The bill provides that joint
17 tenancy property, property transfers made during the decedent's
18 lifetime, and assets payable to beneficiaries are to be
19 excluded from the value of the decedent's estate for purposes
20 of determining the court costs, unless the proceeds of such
21 assets are payable to the estate.

22 Under current law, a fee of \$10 is charged for the entering
23 of a rule or order in connection with a probate matter. The
24 bill strikes this provision.

25 Under current law, a fee of \$15 is charged for services
26 performed in connection with the administration of small
27 estates (Code chapter 635). The bill increases the cost for
28 such services to \$185.

29 Under current law, Code section 633.31(2)(k) provides a
30 sliding scale fee for services performed in connection with the
31 settlement of an estate based upon the value of the decedent's
32 estate. The bill provides that joint tenancy property,
33 property transfers made during the person's lifetime, and
34 assets payable to beneficiaries are to be excluded from the
35 value of the decedent's estate for purposes of determining the

1 fee, described as court costs in the bill, unless the proceeds
2 of such assets are payable to the estate.

3 Additionally, the bill provides that the court costs due
4 to the clerk pursuant to Code section 633.31(2)(k) shall not
5 be charged on any property transferred to an estate from a
6 conservatorship that has been administered in Iowa and for
7 which court costs have been assessed and paid.

8 The bill applies to estates of decedents dying on or after
9 January 1, 2018.